



STATE OF WASHINGTON  
**COMMISSION ON JUDICIAL CONDUCT**

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**FOR IMMEDIATE RELEASE**

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**JUDICIAL CONDUCT COMMISSION APPROVES  
STIPULATION AND ADMONISHES JUDGE GARY R. TABOR**

**October 4, 2013** - The Commission on Judicial Conduct today approved a stipulated order of admonishment against Thurston County Superior Court Judge Gary R. Tabor. The stipulation was entered at an open public meeting of the Commission on Friday, October 4, 2013. By doing so, the Commission concludes its proceedings against Judge Tabor.

From an agreed statement of facts, Judge Tabor accepted the Commission's findings that he violated Canon 1, Rules 1.1 and 1.2, and Canon 3, Rule 3.1 of the Code of Judicial Conduct. Judge Tabor stipulated that, shortly before the same-sex marriage law was to take effect in Washington, he commented in an administrative meeting that he was "not comfortable" performing same-sex marriages and asked if his colleagues could perform such marriages in his stead. His statement was shared by an unknown person with the media and attracted much attention. Judge Tabor spoke to the media to clarify that his position was a personal one based on sincere religious beliefs. He stated he believed judges are not required, only empowered, to perform marriages; and that he took steps to make sure no same-sex couples would be without an officiant for their weddings. He continued to solemnize opposite-sex weddings for a while and later ceased performing weddings in his judicial capacity outright.

Washington law protects against discrimination based upon sexual orientation. Although Respondent was not required as a judicial officer to solemnize marriages, having chosen to make himself available to solemnize some weddings, he was bound by the Code of Judicial Conduct to do so in a way that did not discriminate or appear to discriminate against a statutorily-protected class of people. Judge Tabor accepted the Commission's determination that, by announcing he would not solemnize same-sex marriages, due to his philosophical and religious concerns, while continuing to solemnize opposite-sex marriages, he appeared to express a discriminatory intent against a statutorily protected class of people thereby undermining public confidence in his impartiality.

The Commission found that Judge Tabor created an appearance of impropriety in violation of Canon 1 (Rules 1.1 and 1.2) and Canon 3 (Rule 3.1(C)) of the Code of Judicial Conduct by publically stating he would not perform same-sex marriages in his judicial capacity while continuing to perform opposite-sex marriages. Rules 1.1, 1.2 and 3.1(C) of the Code oblige judges to avoid impropriety and the appearance of impropriety by acting at all times in a manner that promotes public confidence in their independence, integrity and impartiality. The Commission admonished Judge Tabor and ordered him to promptly read and familiarize himself with the Code of Judicial Conduct.

An "admonishment" is a written action of the Commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action available to the Commission. The Stipulation, Agreement and Order of Admonishment in this matter is a public document available at the Commission's web site, <http://www.cjc.state.wa.us>.

The Washington Commission on Judicial Conduct is an independent agency of the judicial branch of government created under the Washington Constitution to assure the integrity and independence of the judiciary. Its eleven members are appointed by the Governor, judicial associations, and the Washington State Bar Association.

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